

ORIGINAL APPLICATION NO.113 OF 2000
Cuttack this the 19th day of March/2002

-VERSUS-

Union of India & Ors. ... Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *NO.*

(M.R. MOHANTY)
MEMBER (JUDICIAL)

(M.P. SINGH)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.113 OF 2000
Cuttack this the 19th day of March/2002

CCRAM:

THE HON'BLE MR. M.P. SINGH, MEMBER (ADMINISTRATIVE)
AND
THE HON'BLE MR.M.R.MOHANTY, MEMBER (JUDICIAL)
...

Trilochan Sahoo, aged about 38 years,
S/o. Mr.Kulamani Sahoo, Vill-Ranjasingha,
PO-Meramundali, Dist-Dhenkanal, at present
working as Postal Asst., Hakimpara,
At/PO-Hakimpara, Dist-Angul

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Applicant

By the Advocates

M/s.K.B.Panda
S.J.Nanda,
J.K.Swain
S.S.Mohapatra

-VERSUS-

1. Union of India represented through Director General of Post Office, At-Dak Bhawan, PO-New Delhi-110001
2. Chief Post Master General, Orissa, At/PO-Bhubaneswar Dist-Khurda
3. Director of Postal Services, Sambalpur Division, At/PO/Dist-Sambalpur
4. Superintendent of Post Offices, Dhenkanal Circle, Dhenkanal, At/PO/Dist-Dhenkanal

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Respondents

By the Advocates

Mr.S.B. Jena, A.S.C.

O R D E R (ORAL)

MR.M.P.SINGH, MEMBER (ADMINISTRATIVE): In this Application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought for the following reliefs:

"...to direct the Opp.Parties for declaration of Paper-III (Accounts Paper) in IPO Examination which was held in the month of January, 1999; and further be pleased to declare that the 24 marks which was awarded to the petitioner in Paper-III is not correct; and further be pleased to direct the Opp.Parties to give all consequential benefits".


2. The brief facts of this case are that the applicant was appointed as Postal Assistant in December, 1987. He

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appeared at the I.P.O. Examination for the vacancies of the year 1995 and had secured 80% marks in Paper-III, as stated by him. Thereafter he again appeared at the I.P.O. Examination in the year 1999 and secured 24 marks in Paper-III. He apprehends that this Paper-III has not been correctly assessed/evaluated inasmuch as in the last IPO Examination he was awarded 80% marks in Paper-III. He has, therefore, filed this Original Application, with the prayers referred to above.

3. Respondents in their reply have stated that the expectation of the applicant is far away from the actual performance and that 24 marks secured by him in Paper-III is the correct assessment in respect of that Paper-III. The fact that he had secured 80% marks in the earlier Examination in Paper-III is not supported by any document and even if it is correct, it does not mean that the applicant should secure the same marks in the later examination. Apprehension of the applicant that some of the answer papers may not have been assessed and/or extra papers used as an additional to the answer sheets have not been properly evaluated are based on no evidence. However, on the representation of the applicant for reassessment/reevaluation of the Paper-III, as there is no such provision, the marks awarded in respect of that Paper-III were retotalled/verified and found correct. In view of this, respondents have prayed that the O.A. does not merit consideration and the same is, therefore, liable to be dismissed.

4. Heard Shri S.J.Nanda, the learned counsel for the

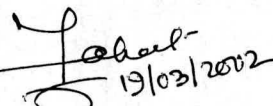



applicant and Shri S.B.Jena, learned Addl.Standing Counsel for the respondents.

5. The law as laid down by the Hon'ble Supreme Court in so far as matters of this nature is concerned is that the Court/Tribunal cannot substitute themselves as the Selection Committee nor can it direct reassess/réevaluate the performance of the candidate. In the instant case the applicant has sought for reassessment of Paper-III of the I.P.O. Examination, which he appeared in the year 1999. Respondents in their reply have stated that the marks awarded in that paper, after being retotalled/verified, have been found correct.

In view of the settled legal position that the Tribunal cannot ^{make &} ~~direct~~ reassessment of the performance of the examinee like a Selection Committee, we hold that the present O.A. is not maintainable.

In this view of the matter the O.A. besides being devoid of merit is not maintainable and the same is, therefore, dismissed. No costs.


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(M.P. SINGH)
MEMBER (ADMINISTRATIVE)

B.K.SAHOO//